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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hideyuki Shimonishi

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5741

44987

7590

10/03/2005

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EXAMINER

LEE, CHI HO A

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/743,594

Applicant(s)

SHIMONISHI, HIDEYUKI

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/11/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-26 and 77-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 14-26 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 13 is/are rejected.
- 7) ☒ Claim(s) 4-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/4/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 13, 77-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al U.S. Patent Number 6,381,244 in view of Nakagawa U.S. Patent Number 6,144,635.

Re Claims 1, 3, 13, 77, 83, Nishimura et al teaches in fig. 1 an EX 1 (an ATM node) for transferring packets over a set of VCC (a VC set) after assembling the packet in ATM cells (See fig. 2) wherein the Node includes (See fig. 5) a routing table 22b, VCC table (a QoS table; output table) and Routing Controller 22d (an out control section; a header processing section) coupled to the plurality of connections over the ATM switch whereby the Controller 22d performs routing functions according to fig. 7, wherein step 102 verifies the destination terminal of the received packet (output destination of an incoming packet) by searching the routing table (Step 103); verifies the QoS class by searching the VCC table (searching...description table) (See col. 14, lines 28-68). Nishimura et al is silent in teaching the ATM node includes a plurality of output queues. However, Nakagawa teaches an ATM exchange including a plurality of output queues for controlling congestion. One skilled in the art would have been motivated to modify Nishimura's ATM exchange to include an ATM exchange with plurality of output

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queues to control for congestion. Therefore, it would have been obvious to one ordinary skilled to incorporate the teaching of Nakagawa into the teaching of Nishimura.

Re Claim 78, refer to Claim 77, wherein ATM exchange transmits packet assembled in ATM cells over the determined VC and QoS requirement.

Re Claims 79, 85, refer to Claims 77, 83, wherein the received packet includes an destination address.

Re Claims 80, 86, refer to Claims 77, 83, wherein Nishimura performs the processing of TCP/IP packet format that includes destination, source address and port numbers.

Re Claims 81, 82, 84, refer to Claims 77, 83.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1,3, 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

4. Claims 4, 6, 8, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In combination with claims 1 and 4, prior art fails to teach as recited in claim 4, the plurality of fields in the quality description table used for determining the quality of the receive packet to be used for read out from the output queue.

5. Claims 12, 14, 15-26 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter:

As recited in independent claims 14 and 15, prior art fails to storing the start cell in packet queue corresponding to an input VC and simultaneously moving all cells constituting the packet stored in packet queue to the determined output queue when a final cell of the packet is stored.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI  
9/26/05

ADY LEE  
IT EXAMINER

